C.S.1001 — (1) (2)

SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

CHHATTISGARH

W. P. NO. 6277/2006

PETITIONER : Ramod Kumar Nishad,
S/o Gorelal Nishad
Aged about 26 years,
Sarpanch of Gram Panchyat Parswara,
Tahsil Lormi, District Bilaspur
R/o Village Parswara, Tahsil Lormi,
District Bilaspur, (C.G.)

VERSUS

RESPONDENTS :
1. State of Chhattisgarh
Through: Secretary
Panchyat Department
D.K.S. Bhawan, Raipur C.G.
2. Collector, Bilaspur,
Distt. Bilaspur (C.G.)
3. Sub-Divisional Officer Lormi,
District Bilaspur, (C.G.)
4. Secretary Gram Panchyat Parswara,
Tahsil Lormi, District Bilaspur C.G.
5. Patiram Dhruve Up-sarpanch Gram Panchyat Parswara, S/o Chandu Ram Dhurve aged about 28 years, R/o Tahsil Lormi, District Bilaspur.
6. Salikram Dhurve S/0 Kanglu Gond aged about 35 Years,
7. Ganeshi Dhurve S/o Mukund aged about 35 Years,
8. Smt. Kumari Dhurve W/o Salikram Dhurve aged about 34 years.
9. Jhanglu S/o Latel Gond aged about 40 years.

P.R. No. 6304/06
Presented by Shri Sanjay Kasam Adv
dated 13-11-06

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13/11/06
CLERK to A. G. BILASPUR

OATH COMMISSIONER
APARNA MALVIYA
CG2073/06
10/11/06
Bilaspur Chhattisgarh

(5) (2)

10. Smt. Krishna bai W/o Parsram Dhurve aged about 28 years.

11. Vinesh Kumar Yadav S/o Nanduram Yadave aged about 32 years.

12. Deo Kumar S/o Janiram Dhruve aged about 32 years.

13. Labho Baiga S/o Malhai aged about 45 years

14. Smt. Sita Bai W/o Pardhi aged about 45 yeears

15. Tula Singh S/o Jagat aged about 35 years

16. Smt. Sushila Bai W/o Satiram aged about 45 years.

6 to 16 are the Panch of Gram Panchyat Parswara and R/o Parswara R/o Tahsil Lormi, District Bilaspur, C.G.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(61)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No.6277/ **सन्** 2006

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

08.01.2007

Shri RK Jain, counsel for the petitioner.

Ms Deepali Pandey, counsel for respondents No.1 to 3 / State.

Shri MK Bhaduri, counsel for respondents No.5 to 14.

None for other respondents.

Heard.

Up-Sarpanch and other Panchas of Lormi, Dist - Bilaspur made an application to respondent No.3 to convene a meeting of No Confidence Motion. On their application, respondent No.3 - Sub-Divisional Officer Lormi, appointed Tehsildar, Lormi as presiding Officer and directed him to convene a meeting on 20.10.2006 at 12 noon in Panchayat Bhavan; accordingly, notices were issued. Learned Presiding Officer convened meeting of No Confidence Motion on 20.10.2006 and in that meeting, No Confidence Motion was passed by a majority of ten votes, and the proceedings were recorded by the Presiding Officer. Petitioner, feeling aggrieved, raised his dispute in accordance with Section 21 (4) of Panchayat Raj Evam Gram Swaraj Adhiniyam, 1993. After due hearing, impugned order dated 08.11.2006 has been passed by the Additional Collector, Bilaspur. All the grounds raised before the Authority have

देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

been considered, reasoned and speaking order has been passed by the Additional Collector, Bilaspur. Feeling aggrieved, this Writ Petition.

During the course of argument, learned counsel for the petitioner contended that petitioner was not allowed to speak in the meeting and that being violation of Rule 5 (4) of Madhya Pradesh/Chhattisgarh Panchayat (Gram Panchayat ke Sarpanch tatha Up-Sarpanch, Janpad Panchayat tatha Jila Panchayat ke Adhyaksh tatha Upadhyaksh ke virudh Avishwas Prastav) Niyam, 1994 (henceforth 'the Niyam 1994'), the No Confidence Motion passed by the Panchayat is bad in law as also the order passed by the Additional Collector is illegal. On the other hand, learned counsel for the respondents contended that petitioner was present in the meeting and he was asked to address if desired; but the petitioner himself declined to address the meeting.

Certified copy of the order as also photocopy of proceedings of meeting held on 20.10.2006 have been annexed along with the petition. From the perusal of both these documents, it is evident that in accordance with Rules, a meeting was convened and the petitioner in accordance with

देखिये)

(63)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Rules was allowed to speak in the meeting and No Confidence Motion was passed by a huge majority of votes. In view of the above, I am of the opinion that no illegality or perversity has been done in the proceeding and the order passed by the Additional Collector, Bilaspur does not suffer from any illegality or perversity which may call for any interference by this Court by stepping in Article 226 of the Constitution of India. Therefore, petition is liable to be dismissed and is accordingly dismissed. No costs. Sd/- V.K.Shrivastava Judge	

padma

(पीछे देखिये)